

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

KIMBERLY Y. LAFAVE, et al.,

Plaintiffs,

V.

**THE COUNTY OF FAIRFAX, VIRGINIA,
and KEVIN DAVIS, in his Official Capacity
as Chief of Police,**

Defendants.

Case No. 1:23-cv-1605 (WBP)

**CONSENT MOTION TO AMEND PRETRIAL SCHEDULING ORDER
AND EXTEND PRETRIAL DEADLINES**

Defendants, the County of Fairfax, Virginia and Chief of Police Kevin Davis, in his official capacity as Chief of Police, (collectively “Defendants”), by counsel and with the consent of counsel for Plaintiffs Kimberly LaFave, Glenn Taubman, and Robert Holzhauer, move the Court to amend the pretrial scheduling order entered on January 24, 2024 (ECF no. 34) and extend the final pretrial conference deadlines for all parties. In support of this Motion, Defendants state as follows:

1. This case presents complex issues of Constitutional Law, which the parties cannot realistically resolve among themselves.
2. Currently, this case is set for a final pretrial conference on June 20, 2024.
3. In addition, the parties are currently required to file by June 13, 2024, the following:
(1) the Rule 26(a)(3) disclosures, (2) lists of the exhibits to be used at trial, (3) lists of witnesses to be called at trial, and (4) written stipulation of uncontested facts.

4. The parties have filed cross motions for summary judgment (ECF Nos. 44 & 48), which motions are set for hearing on June 7, 2024. See ECF No. 55.

5. The parties expect the Court may need some time to fully review and rule upon the cross motions for summary judgment.

6. The Parties are in agreement that good cause exists to extend the final pretrial conference deadlines, including the deadlines for the parties to file (1) the Rule 26(a)(3) disclosures, (2) lists of the exhibits to be used at trial, (3) lists of witnesses to be called at trial, and (4) written stipulation of uncontested facts.

7. The parties move the Court to extend the final pretrial conference deadlines, as identified in paragraph six, to a date that is at least 21 days after the Court rules on the pending motions for summary judgment, assuming the action is not fully resolved by the Court's ruling on the pending motions for summary judgment.

8. The parties further request the Court remove the final pretrial conference (currently set for June 20, 2024) from the Court's docket and reschedule it to a date that is at least 28 days following the Court's ruling on the pending motions for summary judgment, assuming the action is not fully resolved by the Court's ruling on the pending motions for summary judgment.

WHEREFORE, with the consent of the Plaintiffs, Defendants respectfully move the Court to grant the following relief:

- A. Extend the final pretrial conference deadlines, including the deadlines for the parties to file (1) the Rule 26(a)(3) disclosures, (2) lists of the exhibits to be used at trial, (3) lists of witnesses to be called at trial, and (4) written stipulation of uncontested facts, until a date that is at least 21 days after the Court rules on the pending motions for summary judgment;

- B. Remove the final pretrial conference from the Court's June 20, 2024 docket, and reschedule the final pretrial conference for a date that is at least 28 days after the Court's ruling on the pending motions for summary judgment; and
- C. Award such other relief as the Court deems just and proper.

Date: June 3, 2024

THE COUNTY OF FAIRFAX, VIRGINIA,
and the CHIEF OF POLICE, KEVIN DAVIS, in his
official capacity

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CERTIFICATE OF SERVICE

I hereby certify that on June 3, 2024, I am causing the foregoing to be served via electronic mail upon the following and will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to all counsel of record.

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